



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0037  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/032,239	
	<b>Filing Date</b>	December 21, 2001	
	<b>First Named Inventor</b>	Michael Weickert	
	<b>Group Art Unit</b>	1623	
	<b>Examiner Name</b>	Unassigned	
<b>Total Number of Pages in This Submission</b>	1	<b>Attorney Docket Number</b>	0067.00

RECEIVED  
NOV 29 2002  
TECH CENTER 1600/2900

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> SUPPLEMENTAL Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copies of 4 Cited References; Copy of International Search Report.
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mark A. Wilson; Inhale Therapeutic Systems, Inc.
Signature	Mark A. Wilson
Date	November 21, 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____	
Typed or printed name	Karen J. Moir
Signature	Karen J. Moir
Date	11/21/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Michael Weickert et al.

Application No. 10/032,239

Filed: December 21, 2001

Title: PULMONARY DELIVERY OF

POLYENE ANTIFUNGAL AGENTS

) Atty Docket No.: 0067.00

) Examiner: Unassigned

) Group Art Unit: 1623

RECEIVED  
NOV 29 2002  
TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on November 21, 2002.

Signed: Karen J. Moir

Karen J. Moir

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.56, §1.97 and §1.98

Commissioner for Patents

Washington, DC 20231

Dear Sir:

The references listed in the attached Form PTO/SB/08A,B may be material to examination of the above-identified patent application. Applicants submit these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56, 1.97, and 1.98. The Examiner is requested to make these citations of official record in this application.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

Copies of the references are enclosed, as required under 37 CFR §§1.98. The references on the attached Form PTO/SB/08A,B identified by an asterisk (\*) were previously cited by or submitted to the PTO in a prior application relied upon for an earlier filing date. Accordingly, in compliance with 37 CFR §§1.98 (d), copies of these references have not been provided.

Attorney Docket No. 0067.00

This Information Disclosure Statement is being timely filed under 37 CFR §§1.97 and is being filed:

- ☐ within three months of the filing date of a national application; within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or before the mailing date of a first Office action on the merits (whichever event occurs last);
- ☒ more than three months from the filing date of an application ~~and after the mailing date of a first Office action on the merits~~, but before the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311 (whichever occurs first), and is accompanied by:
- ☐ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00); or
- ☒ one of the following statements as specified in 37 CFR 1.97(e) that:
- ☒ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement; or
- ☐ after the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311, but on or before the payment of the issue fee, and is accompanied by each of:
- ☐ the following petition:  
Applicant hereby requests consideration of the accompanying information disclosure statement;
- ☐ the petition fee set forth in 37 CFR 1.17(i) (\$130.00); and
- ☐ one of the following statements as specified in 37 CFR 1.97(e) that:
- ☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three

months prior to the filing of the information disclosure statement; or

☐

no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement.

☐

Each item of information contained within this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement. Accordingly, this Information Disclosure Statement does not constitute a failure on the part of the Applicant to engage in reasonable efforts to conclude prosecution of the application as set forth in 37 CFR 1.704 "Reduction of period of adjustment of patent term."

☐

Attached is Check No. \_ in the amount of \$0.

☐

Please charge the amount of \$\_\_\_ to Deposit Account 500348

☒

If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-0348.

Respectfully submitted,

INHALE THERAPEUTIC SYSTEMS, INC.

Dated:

November 21, 2002

By:

Mark A. Wilson

Mark A. Wilson  
Reg. No. 43,275

San Carlos, CA 94070  
(650) 631-3100